

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|                         |   |                           |
|-------------------------|---|---------------------------|
| GREGORY CUNNINGHAM,     | ) | Case No.: 3:07 CV 1406    |
|                         | ) |                           |
| Petitioner              | ) |                           |
|                         | ) |                           |
| v.                      | ) | JUDGE SOLOMON OLIVER, JR. |
|                         | ) |                           |
| JESSE WILLIAMS, Warden, | ) |                           |
|                         | ) |                           |
| Respondent              | ) | <u>ORDER OF DISMISSAL</u> |

On October 3, 2007, Petitioner Gregory Cunningham (“Petitioner” or “Cunningham”) filed a Request for Leave to Voluntarily Dismiss Petition for Writ of Habeas Corpus. (ECF No. 10.) On October 9, 2007, Magistrate Judge Kenneth McHargh issued a Report and Recommendation, recommending that Cunningham’s petition be dismissed pursuant to the reasons stated in the request. (Report and Recommendation, ECF No. 11.) On the same date, Respondent informed the court by telephone that it did not intend to file an objection to the Magistrate Judge’s Report and Recommendation.

After reviewing the Magistrate Judge’s Report and Recommendation and all other relevant documents in the record, the court finds that the Magistrate Judge’s conclusions are fully supported by the record and controlling case law. Accordingly, the court adopts as its own the Magistrate Judge’s Report and Recommendation (ECF No. 11) for the reasons stated in Petitioner’s request. As such, Cunningham’s petition for writ of habeas corpus (ECF No. 1) is hereby dismissed.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.  
UNITED STATES DISTRICT JUDGE

October 9, 2007